HONOURABLE MRS. JUSTICE T.MEENA KUMARI

&

HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No:27738 OF 2007

Dated:26.12.2007

Between:

M/s. R.A. Chem Pharma Ltd.,
(formerly known as M/s. RA Chemicals
& Intermediates Pvt. Ltd.,)
Begumpet, Hyderabad,
Rep., by its Director R. Sirish Kumar

..Petitioner

And

1. The C.T.O., Begumpet Circle,
   Hyderabad and another.

..Respondent.

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HONOURABLE MRS. JUSTICE T.MEENA KUMARI
&
HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No:27738 OF 2007

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed by the petitioner seeking to declare the action of the 1st respondent in insisting for payment of balance disputed tax for the assessment year 2001-2002 and initiating the coercive action for recovery of disputed demands, as illegal and arbitrary and to restrain the 1st respondent from taking any coercive steps for recovery of the disputed tax pending disposal of the appeal before the Sales Tax Appellate Tribunal.

The main grievance of the petitioner is that aggrieved by the order passed by the 2nd respondent, the petitioner preferred an appeal before the Sales Tax Appellate Tribunal. While so, the 1st respondent is trying to take coercive steps for recovery of the disputed tax and hence, the petitioner was constrained to file the present writ petition.

Heard the learned Counsel appearing for the petitioner and the learned Special Standing Counsel for Commercial Tax and perused the material available on record.

It is the contention of the learned Counsel for the petitioner that the appeal as to the assessment order is pending before the Sales Tax Appellate Tribunal and at this juncture, the insistence of the 1st respondent for payment of the disputed tax is unjustified.

In the facts and circumstances of the case and in view of the fact

that the appeal is pending before the Sales tax Appellate Tribunal, without expressing any opinion on the merits of the case, We feel it a fit case wherein stay can be granted, subject to certain conditions.

Accordingly, there shall be stay of recovery of the disputed tax pending disposal of the appeal before the Tribunal subject to the condition of the petitioner depositing 50% of the disputed demand, within a period of eight weeks from today. However, it is made clear that the amount paid if any, shall be given credit to the above stipulated sum.

Subject to the above direction, the writ petition is disposed of. No order as to costs.

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Justice T. Meena Kumari

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Justice G. Rohini

Date: 26th December, 2007

Note:
Issue C.C. by Monday.
(BO)
Nn/Gurc.

HONOURABLE MRS. JUSTICE T.MEENA KUMARI
&
HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No:27738 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

26/12/2007